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09/898,728	07/03/2001	Selim Shlomo Rakib	034704-000039	2421

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	09/898,728	RAKIB, SELIM SHLOMO
Office Action Summary	Examiner	Art Unit	
	Franklin S. Andramuno	2609	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-9_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-9_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _10/15/01_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _4/25/03_.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claim 3 is objected to because of the following informalities: The word upstream

in line 2 is mispelled. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

4.   Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis

et al (Pub No 2005/0028208 A1) in view of Huang et al (Patent No 6,437,836 B1).

Hereinafter referred as Ellis and Huang.

Regarding claim 1, Ellis discloses a system comprising: one or more

transmission mediums for carrying at least upstream and downstream digital data traffic

(Remote Control (254) receives data from Set Top Box (248) and sends data to

Television (252) in figure 36); a headend circuit coupled to all said transmission

mediums and containing or coupled to one or more server computers and/or other

circuits to provide at least digital data services to a plurality of customers **(The headend**

authorizes the user's set-top to view the ordered program using conventional

signal denial or signal scrambling systems [page 1 paragraph (0007) lines 6-9]);

one or more local area networks and/or dedicated LAN segments **(Network Node**

Server (256) in figure 33b) or data paths at each customer premises; one or more

peripheral devices at each customer premises coupled to said one or more local area

networks and/or dedicated LAN segments or dedicated data paths **(User Television**

Equipment (244) in figure 33b); a plurality of gateway means at customer premises

locations and coupled to all said transmission mediums and coupled to said one or

more local area networks **(Set Top Box (248) in figure 36)**, for receiving, demodulating

and detecting digital data transmitted to one or more of said peripherals from said

headend circuit and to packetize and route said data to the appropriate peripheral

device via said one or more local area networks or one or more ports directly connected

by dedicated lines or LAN segments to one or more peripherals **(Television**

Distribution facility (E.G., Cable System Headend, Satellite System, etc (16) in

figure 2a), and for managing traffic and bandwidth and rate shaping if necessary to

match the data rate of data to be transmitted over a data path to the available

bandwidth on that data path **[page 11 paragraph (0126)])**; and a remote control means

at one or more customer premises and, at each premises, coupled by wireless digital

data communication circuitry to said gateway or to said gateway through a peripheral

device **(Remote program guide access device (24) may be any suitable personal
computer (PC), PDA, or other suitable computer based device [page 7 paragraph
(0092) lines 2-11])**, for issuing commands to said headend circuit through said gateway
and one or more transmission mediums to provide data to said one or more peripherals
through said one or more transmission mediums and said gateway. **Ellis fails to show
explicitly that** the remote control can control the EPG and the data upstream and
downstream. Huang discloses in figure 1A the use of a palm pilot as a remote control to
access and receive instructions from the set top box.

Therefore, it would have been obvious to one of ordinary skill in the art at the
time of the invention was made to modify Ellis' reference to include a pda remote control
to receive and access instructions from the STB. This is a useful combination because it
allows the use of current Personal Digital Assitants, including recording and playing
back instructions of TV programming.

Regarding claim 2, Ellis discloses the apparatus of claim 1 wherein said wireless
digital data communication circuitry is a digital data transceiver and wherein said remote
control means **(Remote access link (19) may be any suitable wired or wireless
communications path or paths over hich digital or analog communications may
take place between interactive television program guide equipment (17) [page 5
paragraph (0077) lines 9-13])** includes a display and audio data playing circuitry
**(Remote program guide access device (24) may play the video or audio for the
user [page 12 paragraph (0134) lines 10-13])** and further includes means for
decompressing compressed video and/or audio data received by said transceiver and

displaying the decompressed video image data and for playing decompressed audio

data **(Interactive television program guides allow the user to navigate through**

television program listing using a remote control. In a typical program guide,

various groups of television program listings are displayed in a predefined or

user-defined categories [page 1 paragraph (0004) lines 1-5]), and further comprising

means for receiving and displaying internet protocol packet data defining web pages,

graphics, e-mail and other data that is received from the internet **(Remote access link**

(19) in figure 1 may include any suitable transmission medium. Link (19) may

include, for example, a serial or parallel cable, a dial-up telephone line, a

computer network or Internet link [page 7 paragraph (0094) lines 1-4]).

Regarding claim 3, Ellis discloses a system comprising: one or more

transmission mediums for carrying at least upsream and downstream digital data traffic

(Remote Control (254) receives data from Set Top Box (248) and sends data to

Television (252) in figure 36); a headend circuit coupled to all said transmission

mediums and containing or coupled to one or more server computers and/or other

circuits to provide at least digital data services to a plurality of customers **(The headend**

authorizes the user's set-top to view the ordered program using conventional

signal denial or signal scrambling systems [page 1 paragraph (0007) lines 6-9]),

and including rate shaping circuitry to alter the data rate of data transmitted on or

received from said transmission mediums **(Control Circuitry (42) may also send data**

and commands or requests back to television distribution facility (16) [page 7

paragraph (0044) lines 5-8]); one or more local area networks or digital data buses at

each customer premises **(Network Node Server (256) in figure 33b)**; one or more

peripheral devices at each customer premises coupled to said one or more local area

networks or buses; at least one cable modem at each customer premises location **(User**

Television Equipment (244) in figure 33b), said cable modem coupled to all said

transmission mediums and coupled to said one or more peripherals via said local area

networks or buses **(Set Top Box (248) in figure 36 see also [paragraph (0076) and**

(0086)]); and a remote control coupled to said headend through said cable modem or

coupled to said headend through one or more of said peripherals coupled to said cable

modem for issuing wireless commands that get routed by said cable modem to said

headend to invoke services provided by said headend circuit **(Remote program guide**

access device (24) may be any suitable personal computer (PC), PDA, or other

suitable computer based device [page 7 paragraph (0092) lines 2-11]).

Regarding claim 4, Ellis discloses the apparatus of claim 3 wherein said cable

modem includes rate shaping circuitry to modify the data rate of data transmitted on

said one or more local area networks **(Control Circuitry (42) may also send data and**

commands or requests back to television distribution facility (16) [page 7

paragraph (0044) lines 5-8]), and wherein said remote control each includes a

transceiver for receiving infrared or radio frequency **(Control path (34) involves the**

use of an infrared transmitter coupled to the infrared receiver in the videocassette

recorder that normally accepts commands from a remote control such as remote

control (40) [page 6 paragraph (0081) lines 8-13]) transmissions of digital internet

protocol packet data and/or compressed video and/or audio data and

decompression/conversion circuitry for decompressing any compressed video and/or audio data and converting said decompressed video and/or audio data and internet protocol packet data to signals or data that can be displayed and/or played and display circuitry for displaying **(Interactive television program guides allow the user to navigate through television program listing using a remote control. In a typical program guide, various groups of television program listings are displayed in a predefined or user-defined categories [page 1 paragraph (0004) lines 1-5])** said converted internet protocol packet data and/or converted decompressed video data and includes a speaker and/or headphone jack for playing and/or outputting analog sound data **(Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4]).**

Regarding claim 5, Ellis discloses a system comprising: a satellite dish for receiving downstream digital video data traffic at each customer premises location **(Remote Control (254) receives data from Set Top Box (248) and sends data to Television (252) in figure 36)**; a conventional telephone line at each customer premises location and routed to a central office headend, for carrying low speed internet protocol digital data traffic both upstream and downstreamn **(Remote access link (19) in figure 1 may include any suitable transmission medium. Link (19) may include, for example, a serial or parallel cable, a dial-up telephone line, a computer network or Internet link [page 7 paragraph (0094) lines 1-4])**; a digital video headend

circuit coupled to one or more video and/or other servers to transmit digital video and

other data implementing one or more services to one or more satellites for

retransmission to the satellite dishes at each customer premises location **(Television**

Distribution Facility (E.G. Cable System Headend, Satellite System, etc in figure

2a); a central office headend server coupled to each of said telephone lines for

implementing the bidirectional transmission of internet protocol data packets to and from

said customer premises and servers on the internet **(Remote program guide access**

device (24) and interactive television program guide equipment (17) may

communicate, for example, using a protocol stack which includes Sequenced

Packet Exchange/Internetwork Packet Exchange [page 7 paragraph (0095) lines 4-

12]); one or more local area networks at each customer premises; one or more

peripheral devices at each customer premises coupled to said one or more local area

networks **(User Television Equipment (413) in figure 33b)**; a plurality of gateways, at

least one at each customer premises locations, each gateway coupled to a satellite dish

(Network Node (Server (256) in figure 33b) and to a conventional telephone line and

coupled to said one or more local area networks and functioning to extract digital video

and other data transmitted to one or more of said peripherals from said digital video

headend and/or said central office headend server and to route said data to the

appropriate peripheral device via said one or more local area networks **(Link (18) may**

be a satellite link, a telephone network link, a cable or fiber optic link [page 4

paragraph (0066) lines 9-12]); and a remote control means at each customer premises

coupled by wireless digital data communication circuitry to said gateway or to said

gateway through a peripheral device, for issuing commands to said digital video

headend circuit and to said central office headend server through said gateway and one

or more conventional telephone lines to provide data to said one or more peripherals

through said satellite dish and/or a conventional telephone line and said gateway and

local area network **(Remote access link (19) in figure 1 may include any suitable**

transmission medium. Link (19) may include, for example, a serial or parallel

cable, a dial-up telephone line, a computer network or Internet link [page 7

paragraph (0094) lines 1-4]).

Regarding claim 6, Ellis discloses a system comprising: a satellite dish for

receiving downstream digital video data traffic at each customer premises location

(Remote Control (254) receives data from Set Top Box (248) and sends data to

Television (252) in figure 36); a cable television hybrid fiber coaxial cable network

(hereafter HFC network) for carrying analog television broadcast signals and high speed

internet protocol digital data traffic both upstream and downstream **(Remote access**

link (19) in figure 1 may include any suitable transmission medium. Link (19) may

include, for example, a serial or parallel cable, a dial-up telephone line, a

computer network or Internet link [page 7 paragraph (0094) lines 1-4]); a digital

video headend circuit coupled to one or more video and/or other servers to transmit

digital video and other data implementing one or more services to one or more satellites

for retransmission to the satellite dishes at each customer premises location; a cable

television headend circuit coupled to each of servers for implementing the bidirectional

transmission of data packets to and from said customer premises and servers on the

internet and for implementing bidirectional transmission of data packets from said

servers to said customer premises implementing other services **(Preferably remote**

access link (19) is bidirectional [page 7 paragraph (0094) lines 16-18]); one or more

local area networks at each customer premises **(Network Node Server (256) in figure**

33b); one or more peripheral devices at each customer premises coupled to said one or

more local area networks; a plurality of gateways, at least one at each customer

premises locations **(User Television Equipment (413) in figure 33d)**, each gateway

coupled to a satellite dish and having a cable modem included therein to couple said

gateway to said HFC network **(Television Distribution Network (238) in figure 33b)**

and coupled to said one or more local area networks and functioning to extract digital

video and other data transmitted to one or more of said peripherals from said digital

video headend circuit and/or said cable television headend circuit and to route said data

in the appropriate format to the appropriate peripheral device via said one or more local

area networks **(Network Node Server (256) in figure 33b)**; and a remote control

means at each customer premises coupled by wireless digital data communication

circuitry to said gateway or to said gateway through a peripheral device **(Remote**

access link (19) in figure 1 may include any suitable transmission medium. Link

(19) may include, for example, a serial or parallel cable, a dial-up telephone line, a

computer network or Internet link [page 7 paragraph (0094) lines 1-4]), for issuing

commands to said cable television headend circuit through said gateway and said HFC

network to provide data to said one or more peripherals through said HFC network and

said gateway and local area network **(Server (410) in figure 33d)**.

Regarding claim 7, Ellis discloses the system of FIG. 6 wherein said gateway has

a conventional modem therein which interfaces said gateway to said digital video

headend circuit through said remote control means and a telephone line circuit of the

public service telephone network **(Remote access link (19) in figure 1 may include**

any suitable transmission medium. Link (19) may include, for example, a serial or

parallel cable, a dial-up telephone line, a computer network or Internet link [page

7 paragraph (0094) lines 1-4]) for purposes of ordering pay-per-view events for

viewing on one or more of said peripherals **(The remote access program guide may**

also provide a user with an opportunity to remotely order pay-per-view programs

and packages [page 12 paragraph (0130) lines 1-3]).

Regarding claim 8, Ellis discloses a system comprising: a plurality of satellite

dishes for receiving downstream digital video data traffic, each satellite dish at a

customer premises **(Remote Control (254) receives data from Set Top Box (248)**

and sends data to Television (252) in figure 36); a digital video headend circuit

coupled to one or more video servers for transmitting digital video broadcast data to

said plurality of satellite dishes via an uplink, a satellite and a downlink; a plurality of

conventional telephone lines, each routed to a customer premises and each for carrying

low speed internet protocol digital data traffic both upstream and downstream **(Remote**

program guide access device (24) and interactive television program guide

equipment (17) may communicate, for example, using a protocol stack which

includes Sequenced Packet Exchange/Internetwork Packet Exchange [page 7

paragraph (0095) lines 4-12]); a plurality of gateway means, each at a customer

premises and coupled to at least one of said telephone lines and at least one of said

satellite dishes **(Remote access link (19) in figure 1 may include any suitable**

transmission medium. Link (19) may include, for example, a serial or parallel

cable, a dial-up telephone line, a computer network or Internet link [page 7

paragraph (0094) lines 1-4]); a central office server coupled to the internet and to said

conventional telephone lines to provide bidirectional internet protocol data transfers

between each said gateway and servers on the internet via a conventional telephone

line **(Link (18) may be a satellite link, a telephone network link, a cable or fiber**

optic link, a microwave link, a combination of such links, an Internet link, or any

other suitable communication path [page 4 paragraph (0066) lines 8-13]); one or

more conventional analog televisions at each customer premises coupled to said

gateway via audio and video lines **(User Television Equipment (1) (2) (3) in figure**

31); a remote control at each customer premises, and coupled by wireless digital data

communication circuitry to said gateway or to said gateway through a peripheral device,

for at least sending data and commands to said central office internet server through

said gateway and a conventional telephone line to cause bidirectional data transfers

between said gateway and said internet server **(Preferably remote access link (19) is**

bidirectional [page 7 paragraph (0094) lines 16-18]); each said gateway means for

receiving compressed digital video broadcast data and for wireless receiving commands

from said remote control, and for coordinating use of said remote control and said

conventional analog television like a computer keyboard and display **(User interface**

(46) may be a pointing device, wireless remote control, keyboard, touch pad, etc

[page 7 paragraph (0089) lines 1-5]), respectively, for sending and receiving internet

protocol data over a conventional telephone line so as to enable use of said television

and remote control and gateway like a personal computer to display web pages and/or

e-mail **(Reminders may be sent as e-mail messages from the interactive television**

program guide to remote program guide access device (24) [page 10 paragraph

(0119) lines 1-3]), and for routing said compressed digital video data to a hard disk for

recording or to a decompression and conversion circuit for processing for display on

said television(s) or both **(Remote access link (19) in figure 1 may include any**

suitable transmission medium. Link (19) may include, for example, a serial or

parallel cable, a dial-up telephone line, a computer network or Internet link [page

7 paragraph (0094) lines 1-4]).

Regarding claim 9, Ellis discloses the apparatus of claim 8 wherein said remote

control includes a display and a transceiver to receive compressed digital video

broadcast data and decompression and conversion circuitry to buffer frames of said

data and decompress said compressed digital video data and convert it to YUV or other

format uncompressed video data that can be displayed on said display **(If the**

programming is stored on storage (56), it may be transmitted to remote program

guide access device (24) in any suitable format, and may be converted to a digital

format by a suitable analog to digital converted in remote program guide access

device (24) [page 11 paragraph (0127) lines 18-25]).

Although Ellis fails to specifically teach the use of satellite dishes as required in

the independent claims, Huang et al does note in col 3 lines 25-30 that satellite

mediums are well known. Therefore, it would be obvious to use a dish to receive TV

signals as another well known medium to allow for more entertainment.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Franklin S. Andramuno whose telephone number is 571-

270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm)

alternate Fri off (EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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